

LEWIS BRISBOIS BISGAARD & SMITH LLP

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Attorneys for Defendant

ROBERT N. WEAVER, ESQ.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

CARL A. WESCOTT,

Plaintiff,

vs.

FREDERICK C. FIECHTER, IV;

DAVID M. ZEPP, ESQ.;

ROBERT N. WEAVER, ESQ. + DOES 1
through 25,

Defendants.

Case No. 3:22-cv-04288-VC

**DEFENDANT ROBERT N. WEAVER,
ESQ.'S NOTICE OF NON-OPPOSITION
TO MOTION FOR MANDATORY
ATTORNEY'S FEES PURSUANT TO
CODE OF CIVIL PROCEDURE
SECTION 425.16 IN AMOUNT NO LESS
THAN \$15,750**

Date: January 19, 2023

Time: 10:00 a.m.

Courtroom: 4, 17th Floor

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

On December 14, 2022, Defendant ROBERT N. WEAVER, ESQ. ("Attorney Weaver") served and filed his Motion for Mandatory Attorney's Fees (Doc. 23) ("Prevailing Party Motion"). The hearing on the Prevailing Party Motion was timely noticed for January 19, 2023, in Courtroom 4, and served on Plaintiff in Pro Per on December 14, 2022. Attorney Weaver's Motion for Mandatory Attorney's Fees sought an order awarding fees in favor of Attorney Weaver in an amount of no less than \$15,570, and to deem Attorney Weaver prevailing party.

Any opposition to the Motion for Mandatory Attorney's Fees was due 14 days after the filing of the Prevailing Party Motion pursuant to Local Rule 7-3(a). That deadline date would have been December 28, 2022.

As of the date of this Notice, counsel for Attorney Weaver has not received any opposition

1 to the Prevailing Party Motion, and therefore, both for good cause shown, and because the
2 Prevailing Party Motion is unopposed, this Court should GRANT the subject Prevailing Party
3 Motion, deem Attorney Weaver the prevailing party in this action and award mandatory attorney's
4 fees pursuant to Cal. Code of Civil Procedure section 425.16(c) against Plaintiff CARL A.
5 WESCOTT ("Plaintiff") in the amount of no less than \$15,750, or such other amount as the Court
6 deems reasonable.

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8 DATED: January 4, 2023

LEWIS BRISBOIS BISGAARD & SMITH LLP

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10 By: /s/ Alex A. Graft

11 ALEX A. GRAFT

12 Attorneys for Defendant

13 ROBERT N. WEAVER, ESQ.
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